

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JOSEPH SHACK

Plaintiff,

V.

WARDEN MARY CARTER, et al.

Defendants.

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4:08-CV-2299-VEH-TMP

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on June 2, 2009, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failure to state a claim upon which relief may be granted. No objections were filed by the plaintiff.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failure to state a claim upon which relief may be granted. A Final Judgment will be entered.

DONE this the 29th day of June, 2009.



VIRGINIA EMERSON HOPKINS
United States District Judge